



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 837

(Patron - Sturtevant)

LD #: 25103952

Date: 01/09/2025

Topic: Concealed handgun permits

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Direct Care:**
Cannot be determined**
- **Juvenile Detention Facilities:**
Cannot be determined**

**Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends §§ 18.2-308.02, 18.2-308.06, and 18.2-308.014 relating to concealed handgun permits. The proposal reduces from 21 years of age to 18 years of age the minimum age requirement for individuals to apply for resident and nonresident concealed handgun permits. Making a materially false statement on the application for a concealed handgun permit constitutes perjury, punishable as a Class 5 felony as provided in § 18.2-434.¹

Under § 18.2-308, it is a Class 1 misdemeanor to carry a concealed weapon. A second violation under this section is a Class 6 felony, and a third or subsequent violation is a Class 5 felony.

Analysis:

The proposal reduces the age at which individuals may apply for a concealed handgun permit, which is likely to increase the number of people who apply for a permit and may result in additional felony convictions for individuals who make materially false statements on the application. However, by allowing more people to receive a concealed handgun permit, the proposal may result in fewer convictions under existing provisions for unlawfully carrying a concealed weapon (§ 18.2-308). Whether or not, or the extent to which, this will occur is not known.

¹ Felony perjury offenses defined in § 18.2-434 are eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby offenders will serve a minimum of 67% of the sentence ordered by the court. The proposed legislation does not change the earned sentence credits available to offenders convicted of these felonies.

Individuals who make a materially false statement on the application for a concealed handgun permit are guilty of perjury under § 18.2-434. According to Sentencing Guidelines data for fiscal year (FY) 2023 and FY2024, 58 offenders were convicted of perjury under § 18.2-434. The perjury offense was the primary, or most serious, offense at sentencing in 36 of the cases. Of these, 47.2% of the offenders did not receive an active term of incarceration to serve after sentencing. Another 41.7% of the offenders were given a local-responsible (jail) term for which the median sentence was 6.0 months. The remaining 11.1 % (four offenders) received a state-responsible (prison) term with a median sentence of 1.2 years.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal may increase the number of felony convictions for perjury but may result in fewer convictions for carrying a concealed weapon. The net effect on the number of convicted individuals and associated sentencing patterns cannot be estimated; therefore, the net impact on future state-responsible (prison) bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be quantified.

Adult community corrections programs. The potential impact on community corrections resources cannot be estimated.

Virginia's Sentencing Guidelines. Felony violations of §§ 18.2-434 and 18.2-308 are covered by Sentencing Guidelines. These felonies are not defined as violent in § 17.1-805(C) for Guidelines purposes. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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